IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 07 OF 2005

Abid Husain Farooq Khan ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri A.P. Mundargi with V. Jabra for the Applicant.
Shri V.B.Konde Deshmukh, APP for Respondent -State.

CORAM : A.M.KHANWILKAR, J.
DATED : JANUARY 20, 2005

PC :-

. Heard counsel for the parties.

. This is the case of circumstantial evidence. There are strong circumstances to indicate complicity of the applicant. The presence of the applicant at the relevant time at the scene of offence is established by the evidence of Haresh Nikam, who is an independent witness. The applicant was seen at the scene of offence alongwith accused No.1. Besides, after the applicant was arrested, cash of Rs. 10,000/- has been recovered from the persons of the applicant, which was enclosed in the envelope bearing name of the firm of husband of the deceased. There is

motive behind the murder of deceased. Besides, the prosecution is rightly relying on the unexplained injury on the fingre of the complainant which is certified by the Doctor to have been caused by the human bite. There are strong circumstances, for the time being, to hold that the applicant is involved in the alleged offence. Hence, not a case for bail. I see no reason to depart from the conclusion reached by the sessions court, in rejecting the present bail application. Hence, dismissed.

. Ordered accordingly.

.....